IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1919 OF 2007

Shri.Balasaheb Khanderao Patil
and 17 others ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.S.A.Shinde i/b Sagar Kasar Advocate for Applicants
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : JUNE 20, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No.42 of 2007 of Lasalgaon Police Station, Dist.Nasik. The said case is mainly under Section 326 of IPC.

3. It is the case of the complainant Suman Holkar that on 3.5.2007 between 9.30 to 10 p.m. Dileep Patil came to her house. At that time, he was drunk and he started abusing the complainant and her family members. However, thereafter, Dileep

Patil came running towards her and caught hold of her neck and started scuffling with her. At that time, the necklace which was around her neck was robbed and she suffered loss. The complainant has further stated that thereafter the present applicants came running. They were armed with sticks and stones and all of them have assaulted her, her husband Vasantrao and her sister in law Meerabai and others. Four persons had sustained injuries in the incident i.e. Suman, Vasantrao, Meerabai and Mangal. As far as Mangal and Meerabai are concerned, injuries sustained by them are simple in nature. As far as Suman and Vasantrao are concerned, they have sustained injuries to their teeth, hence, the prosecution case is that the case would fall under Section 326 of IPC.

4. The learned advocate for the applicants submitted that there is cross complaint and the complaint of applicant no.5 is first in point of time. The said case is also under Section 326 of IPC and Dileep Patil i.e. applicant no.13 has sustained grievous injury in the said incident. The said grievous injury is CLW 6 x 2 x 0.7 cms. deep on the occipital region. No specific role has been attributed to any of the applicants in the

present case except accused No.13 Dileep Patil. The learned advocate for the applicants submitted that as far as applicant nos.16 to 18 are concerned, they are all ladies and no specific role is attributed to them. The learned advocate for the applicants further submitted that applicant no.2 is 60 years of age, applicant no.12 is 70 years of age and applicant no.14 is 65 years of age. It is the case of the applicants that as Dileep Patil was assaulted first by the other side, the applicants have exercised their right of private defence. It is seen that P.W.13 Dileep Patil had sustained grievous injuries in the incident. Hence, I find some merit in this submission. Looking to the facts of this case and the cross case, I am inclined to grant anticipatory bail to all the applicants.

5. In the event of arrest, each of the applicant nos.1 to 18 to be released on bail in the sum of Rs.25,000/- (Rs.twenty five thousand only) each with one or two sureties to make up the said amount in C.R.No.I-42 of 2007 of Lasalgaon Police Station, Dist.Nasik. The applicants shall report to the concerned Police Station for a period of 10 days from 22.6.2007 from 11 a.m. to 2 p.m. and

thereafter as and when called till the conclusion of trial.

6. Application is disposed of.

[Smt. V.K.Tahilramani, J.]